

DELTA PROTECTION COMMISSION

14215 RIVER ROAD
P.O. BOX 530
WALNUT GROVE, CA 95690
PHONE: (916) 776-2290
FAX: (916) 776-2293



September 15, 1995

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Staff Report and Preliminary Staff Analysis on
SOLANO COUNTY

Background:

The Delta Protection Act states that within 180 days of the adoption of the resource management plan, all local governments shall submit to the Commission proposed amendments which will cause their general plans to be consistent with the criteria in Section 29763.5 with respect to land located within the Primary Zone. The 180th day was August 22, 1995.

The Commission is required to review, and as appropriate, approve by a majority vote of the Commission membership, proposed general plan amendments of a local government, as to land within the Primary Zone. The Act allows the Commission to approve such amendments only after making all of the following written findings regarding the general plan and any development approved or proposed that is consistent with the resource management plan:

- a. consistent with the resource management plan (Land Use and Resource Management Plan for the Primary Zone of the Delta).
- b. will not result in wetland or riparian loss.
- c. will not result in the degradation of water quality.
- d. will not result in increased nonpoint source pollution.
- e. will not result in the degradation or reduction of Pacific Flyway habitat.
- f. will not result in reduced public access, provided the access does not infringe on private property rights.
- g. will not expose the public to increased flood hazard.

- h. will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on public or private land.
- i. will not result in the degradation or impairment of levee integrity.
- j. will not adversely impact navigation.
- k. will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.

Solano County Submittal:

The Solano County Planning staff submitted a letter dated August 17, 1995, signed by Harry L. Englebright, Principal Planner, along with a 42-page analysis; the submittal was received on August 21, 1995. The County's complete submittal has been included in the packet.

Description of Lands within the County:

Solano County's Delta lands lie to the west of the legal Delta covering about 86,000 acres, or about 17 percent of the Primary Zone (see attached map). The land include lands to the east and west of the Sacramento Deep Water Ship Channel, and to the west of the western levee of the Yolo Bypass. Islands and tracts in the Primary Zone include: Hastings Tract, Prospect Island, and Ryer Island.

Existing General Plan:

The General Plan designates Delta lands for agriculture: Intensive Agriculture, if irrigated, and Extensive Agriculture, if not irrigated. Irrigated land is 80 acre minimum parcel, or 40 acre minimum parcel for highly productive areas, such as orchard or vineyard. Unirrigated land is 160 acre minimum parcel size. Parcel sizes are based on the concept of "farmable unit", defined as the size of parcels a farmer would consider leasing or purchasing for different agricultural purposes.

Existing Zoning:

The Zoning Code includes a "right to farm ordinance". Under the Zoning Code, there are several designations: A-40; 40 acre minimum parcels; A-80; 80 acre minimum parcels; and A-160; 160 acre minimum parcels.

Proposed General Plan Amendments:

The County proposes adopting a new section in the Resource Conservation and Open Space Element of the General Plan to be entitled "Sacramento-San Joaquin Delta", including new text and policies. The first policy requires that all management and development activities be consistent with the resource management plan. The policy states:

All public and private management and development activities within the Primary Zone of the Delta shall be consistent with the goals, policies, and provisions of the "Land Use and Resource Management Plan for the Primary Zone of the Delta" as adopted and as may be amended by the Delta Protection Commission.

Other minor amendments are proposed to the Land Use and Circulation Element and the Park and Recreation Element.

Analysis in Comparison with the Adopted Plan:

The Solano County submittal analyzes the consistency of the County's General Plan and the "Land Use and Resource Management Plan for the Primary Zone of the Delta" (resource management plan). The Solano County General Plan is largely consistent with the resource management plan. Adoption of the proposed amendments shall ensure that use permits and other actions of the County will be consistent with the resource management plan.

One area of inconsistency is the County's position that biosolids labeled and licensed by the California Department of Food and Agriculture and permitted by the Regional Water Quality Control Board are considered a "fertilizing material" for which there is no requirement for a use permit and placement or use of such material is not regulated by the County. The placement of biosolids that do not meet this criteria (for example placement at more than agronomic rates, or placement in a disposal site) would be subject to a use permit which must be consistent with General Plan policies.

Analysis of Any Potentially Significant Adverse Environmental Impacts Resulting from the Proposal Which Were not Previously Addressed in the Commission's Planning Documents:

The County's proposed adoption of a new policy which requires County actions to be **consistent** with the Commission's adopted resource management plan, would result in no additional environmental impact beyond those outlined in the environmental analysis which was prepared in support of the Commission's adoption of the resource management plan in February of 1995. However, submittal of additional information may result in additional analysis of environmental impacts.

Preliminary Staff Recommendation:

Staff is seeking clarification of the County's submittal. Staff is unprepared to make a recommendation at this time.

DELTA PROTECTION COMMISSION

14215 RIVER ROAD
P.O. BOX 530
WALNUT GROVE, CA 95690
PHONE: (916) 776-2290
FAX: (916) 776-2293

September 15, 1995



Harry Englebright
Department of Environmental Management
601 Texas Street
Fairfield, CA 94533

Subject: Delta Protection Commission Consideration of Solano
County's Proposed General Plan Amendments Regarding
Lands in the Primary Zone of the Delta

Dear Mr. Englebright:

You have received a copy of the meeting notice and staff report on Solano County's proposal. The Commission will be holding a public hearing on this matter at the September 28, 1995 meeting. It would be helpful if you could attend to make a brief presentation and/or answer questions.

The County's submittal has raised two issues:

- 1) How will the County implement and enforce its proposed new Policy 1, which states that all public and private management and development activities within the Primary Zone of the Delta shall be consistent with the goals, policies and provisions of the Commission's adopted plan?
- 2) If Solano County does not require any permits for placement of sewage effluent and sewage sludge, how will the County ensure conformance with Utilities and Infrastructure Policy P-3 which precludes placement of these materials in the Primary Zone?

Please provide clarification on these issues, if possible, prior to the meeting on September 28. I appreciate your assistance in these matters.

Sincerely,

A handwritten signature in black ink, appearing to read 'Margit Aramburu', with a long horizontal line extending to the right.

Margit Aramburu
Executive Director

cc: Supervisor Skip Thomson